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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,443	08/23/2001	Douglas A. Cheline	PD-201116	2220
20991	7590	11/30/2005	EXAMINER	
THE DIRECTV GROUP INC			GAYESKI, MICHAEL R	
PATENT DOCKET ADMINISTRATION RE/R11/A109			ART UNIT	
P O BOX 956			PAPER NUMBER	
EL SEGUNDO, CA 90245-0956			2143	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/938,443	Applicant(s) CHELINE ET AL.	
	Examiner Michael R. Gayeski	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/17/2005</u> . | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

1. The amendment received on 9/12/2005 has been entered. Claims 1 and 13 have been amended. Claims 1-27 remain pending in the instant application.

Response to Arguments

2. Applicant's arguments, see page 11, paragraph 4 – page 12, paragraph 1, filed 9/12/05, with respect to the rejection(s) of claim(s) 1-27 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Bendinelli et al. (U.S. Publication 2002/0026503).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **1-3, 5-7, 9-11, 13-17, 18, and 20** are rejected under 35 U.S.C. 102(e) as being anticipated by Bendinelli et al. (U.S. Patent Publication 2002/0026503) (hereinafter 'Bendinelli').

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1. With regard to **claims 1, 13 and 18**, Bendinelli discloses: receiving data at a service provider system indicative of a selected server-side system and a selected client-side system between which a VPN is to be established **[See Figure 4, items 175, 450, and 451; and Paragraphs 0128 – 0130: The control system (NOC) serves as a service provider system, the first gateway which initiates the VPN connection serves as the client system, and the second gateway to which the first gateway wishes to connect to is the server system]**;

automatically determining security settings at the service provider system for said client-side system based at least partially on said data **[See Paragraphs 0262, 0263, and 0270]**;

and automatically transmitting VPN configuration details from the service provider system to said client-side system, where said VPN configuration details include said security settings, such that in use said client-side system is automatically configured with said VPN configuration details to establish a secure VPN tunnel between said client-side system and said server-side system **[See Paragraphs 0174-0182, 0191 and 0270: The control systems sends the configuration data necessary to initiate communications with another gateway (server)]**.

2. With regard to **claims 2 and 14**, Bendinelli additionally discloses obtaining data indicative of a selected server in a server side system and a selected user of the client side system from a system administrator, via an electronic network **[See Paragraphs 0348 and 0351]**.

3. With regard to **claims 3 and 15**, Bendinelli additionally discloses that said determining comprises creating a public and private key **[See Paragraphs 0334 and 0335]**.

4. With regard to **claims 5, 6 and 17**, Bendinelli additionally teaches:
automatically ascertaining further security settings for said server-side system;
and automatically transmitting VPN configuration details to a firewall and VPN concentrator within said server-side system **[See Paragraphs 270-273: The NOC sends configuration data for both the client-side and server-side VPN concentrators and firewalls in order to enable communications between the two endpoints]**.

5. With regard to **claim 7**, Bendinelli discloses the use of a modem within a client side system. Thus, the communications would be sent over the modem **[See Paragraphs 0118 and 0119]**.

6. With regard to **claim 9**, Bendinelli further teaches storing data and security settings **[See Paragraphs 264 and 270: The NOC transmits addresses of new VPN gateways, which are stored on the gateway]**.

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7. With regard to **claims 10 and 20**, Bendinelli further teaches after said transmitting step, the use of receiving a password from said client-side system, and authenticating said password [**See Paragraph 338: A password, as defined in the art, is a form of a shared secret**].

8. With regard to **claim 11**, Bendinelli further teaches establishing a VPN tunnel between said client-side system and said server-side system [**See Paragraphs 0275 and 0276**]; and

verifying that said tunnel is operational [**See Paragraph 0278: “the NOC may monitor the status of the each gateway [...]”**]

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 4 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bendinelli.

11. With regard to **claims 4 and 16**, Bendinelli teaches the substantive limitations of the base claims, but does not expressly disclose using a digital certificate for authentication in the preferred embodiment. However, Bendinelli does teach that the encryption mechanisms of the preferred embodiment may be replaced with any suitable

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authentication method known in the art, including the use of digital certificates [**See Bendinelli, Paragraph 0159**]. Accordingly, it would have been obvious to one of ordinary skill in the art to use a digital certificate for authentication in the system if Bendinelli, with the motivation of allowing the certificate holder to de-authorize (revoke) a client's authorization. Thus, claims 4 and 16 are rejected.

12. Claims **8, 12, 19, 21, and 22-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bendinelli in view of Pai et al. (U.S. Patent 6,711,138) (hereinafter 'Pai').

13. With regard to **claim 8, 19, and 21**, Bendinelli teaches the substantive limitations of the base claim, and further teaches that the gateway includes an integrated router and firewall, and that the NOC transmits configuration information to the firewall on the gateway [**See Paragraphs 0174-0183 and 273**]. Bendinelli does not expressly teach that the gateway system includes an integrated modem in the gateway (firewall *on a modem*). Rather, a separate modem and gateway is taught [**See Paragraphs 0118 and 0119**].

However, Pai, in the analogous art of computer networking, teaches a DSL modem with several useful applications integrated therein, including a router, firewall, and DSL modem capabilities [**See Pai, Figure 2; and Column 3, lines 13-45**].

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention integrate the gateways of Bendinelli with the modem of Pai, with the motivation of simplifying the install and configuration in the home as compared

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to non-integrated solutions **[See Pai, Column 1, lines 34-40]**. Thus, claims 8 and 19 are rejected.

14. With regard to **claim 12**, the combination of Bendinelli and Pai discussed immediately above (hereinafter 'Bendinelli-Pai') further teaches a logon page on a modem within said client-side system **[See Pai, Column 4, lines 9-18; and Bendinelli, Paragraph 0316]**.

15. With regard to **claim 22**, it presents no substantive limitations above those of claims 1 and 5-9, and is rejected for similar reasons.

16. With regard to **claim 23**, Bendinelli-Pai further teaches that the modem is a DSL modem **[See Pai, Abstract]**.

17. With regard to **claim 24**, Bendinelli-Pai teaches the substantive limitations of the base claim, and further teaches that the server system comprises:

a router configured to electrically coupled to the Internet **[See Pai, Figure 2; and Column 3, lines 13-45]**;

a firewall electrically coupled to said router **[See Pai, Figure 2; and Column 3, lines 13-45]**;

a file server **[See Bendinelli, Paragraphs 0290 and 0291]**;

a proxy server **[See Bendinelli, Paragraph 0246]**; and

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18. Bendinelli-Pai does not explicitly disclose the use of a DNS server within the server-side system, and instead broadly teaches that the server-side system may include any number of network services behind the gateway **[See Bendinelli, Paragraph 0291]**. However, the Examiner takes Official Notice that the inclusion of a DNS server on a LAN is old and well-known within the art. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to include a DNS server on the local LANs of Bendinelli, with the motivation of providing an operable host naming mechanism, so that users only have to remember short names rather than IP addresses for local services. Thus, claim 24 is rejected.

19. With regard to **claim 25**, Bendinelli-Pai also teaches said server-side network further comprises an authentication server for authenticating a user of said client computer **[See Bendinelli, Paragraph 0294 and 0295]**.

20. With regard to **claim 26**, Bendinelli-Pai also teaches that the service provider comprises:

- a VPN provider **[See Bendinelli, Paragraph 0263]**;
- a DNS server **[See Bendinelli, Paragraph 242]**; and
- an HTTP server **[See Bendinelli, Paragraph 0315]**.

21. With regard to **claim 27**, Bendinelli-Pai also teaches that the service provider's security generator is a PKI generator **[See Bendinelli, Paragraph 270]**.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lucent Security Management Server: Carrier-Grade IP Services Management Solution teaches a similar VPN management system. The figure on the bottom of page 3 is particularly relevant.

U.S. Patent 6,662,221 appears to be a patent related to the abovementioned publication by Lucent.

U.S. Patent 6,765,591 also teaches a VPN management method which includes configuring clients remotely.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Gayeski whose telephone number is 571-272-0978. The examiner can normally be reached on M-F: 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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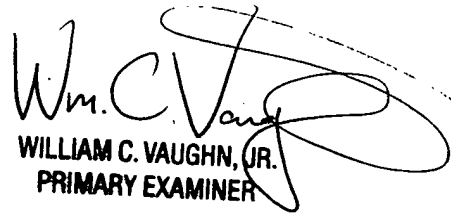
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Michael R Gayeski
Examiner
Art Unit 2143

mrg



21 November 2005



Wm. C. Vaughn, Jr.
WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER